

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

RONALD LESLIE MURRAY, PRO SE,
Inmate No. #0080060

Plaintiff,

v.

2:06-CV-0125

RYAN LASETER,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff RONALD LESLIE MURRAY, acting pro se, has filed suit seeking to enforce an alleged contract with the defendant and has been granted permission to proceed in forma pauperis.

The Court has reviewed his claims in accordance with Title 28, United States Code, section 1915(e)(2)¹.

¹Title 28, United States Code, section 1915(e)(2) provides:

[T]he court shall dismiss the case at any time if the court determines that--

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal--
 - (i) is frivolous or malicious;
 - (ii) fails to state a claim on which relief may be granted; or
 - (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. 1915(e)(2). Thus, the very statute allowing plaintiff to proceed as a pauper also requires the Court to screen a pauper's complaint and dismiss it without service of process at any time the Court makes a determination of frivolousness, etc.

Plaintiff complains the defendant has failed to return or pay for property plaintiff left with him on June 18, 2003, when he was arrested by police in Kirkwood, Missouri. Plaintiff asks for judgment against the defendant in the amount of \$23,500.00, as well as interest and costs.

This Court has no jurisdiction and, therefore, no power to act in the matter plaintiff presents. Federal district courts are courts of limited jurisdiction and handle cases in which a "federal question" is presented, such as an issue arising out of federal law, treaty, or the federal constitution, Title 28, United States Code, section 1331; or cases in which the amount in controversy exceeds \$75,000.00 and the opposing parties are (1) citizens of different States, (2) citizens of a State and citizens or subjects of a foreign state; (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; or (4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a state or of different states, Title 28, United States Code, section 1332. Plaintiff's case does not present any basis for the exercise of federal jurisdiction over what is, essentially, a state cause of action.

In short, plaintiff has come to the wrong place, and this Court cannot make any determination or award any relief in this matter.

CONCLUSION

Pursuant to Title 28, United States Code, section 1915(e)(2),

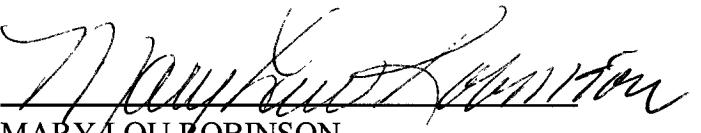
IT IS HEREBY ORDERED that the instant cause filed by plaintiff RONALD LESLIE MURRAY is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED AND FOR LACK OF JURISDICTION.

A copy of this Order shall be mailed to plaintiff by first class mail.

Any pending motions are denied.

IT IS SO ORDERED.

Entered this 26 day of June, 2006.



MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE